

**REMARKS**

Claims 1-21 are pending in the application. Claims 1-14 are cancelled herein.

The Examiner rejected claims 1-7, 13, 15, and 20 under 35 U.S.C. 102(e) as being anticipated by Dial, Jr. '424. Claims 15, 18, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Carvel '504. Claims 1, 2, 4-7, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carvel '504. Claims 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dial, Jr. '424 or Carvel '504 in view of Piazza '362. Claims 12, 19, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dial, Jr. '424 or Carvel '504 in view of Schultz '761. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dial, Jr. '424 or Carvel '504 in view of Scott et al. '387. Finally, claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dial, Jr. '424 or Carvel '504 in view of Torricelli '570.

Applicant respectfully traverses the §102 and §103 rejections with the following arguments.

**35 U.S.C. §102**

The Examiner rejected claims 1-7, 13, 15, and 20 under 35 U.S.C. 102(e) as being anticipated by Dial, Jr. '424 (US 6,032,424).

Applicant respectfully contends that Dial does not anticipate claim 15, because Dial fails to teach, or suggest, each and every element of claim 15, as amended. For example, Dial does not teach "wherein at least one of said first, second and end surfaces simultaneously supports a plurality of layers of discrete components during, but not prior to, a single pour application of a binding material to the wall unit form" as in claim 15, as amended. To the contrary, Dial requires a mold wall that holds veneer pieces in place *prior* to the placement of any binding material into the form. Based on the preceding arguments, Applicant respectfully maintains that Dial does not anticipate claim 15, and that claim 15 is in condition for allowance. Since claims 16-21 depend from claim 15, Applicant contends that claims 16-21 are likewise in condition for allowance.

The Examiner rejected claims 15, 18, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Carvel '504 (US 1,809,504).

Applicant respectfully contends that Carvel does not anticipate claim 15, because Carvel fails to teach, or suggest, each and every element of claim 15, as amended. For example, Carvel does not teach "wherein at least one of said first, second and end surface **simultaneously supports a plurality of layers of discrete components during a single pour application.**" (Emphasis added). To the contrary, Carvel only discloses forming around components in a single layer. Further none of the surfaces in Carvel support components in that Carvel teaches laying

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stone, or brick, on the ground, or bed of sand. Further, Carvel does not teach these aforementioned features are obtainable in a single pour. Clearly, assuming *arguendo* that Carvel could provide the aforementioned features, Carvel would require multiple pours in order to obtain these constructs in the present invention. Based on the preceding arguments, Applicant respectfully maintains that Carvel does not anticipate claim 15, and that claim 15 is in condition for allowance. Since claims 16-21 depend from claim 15, Applicant contends that claims 16-21 are likewise in condition for allowance.

**35 U.S.C. §103**

Claims 1, 2, 4-7, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carvel '504. Claims 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dial, Jr. '424 or Carvel '504 in view of Piazza '362. Claims 12, 19, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dial, Jr. '424 or Carvel '504 in view of Schultz '761. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dial, Jr. '424 or Carvel '504 in view of Scott et al. '387. Finally, claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dial, Jr. '424 or Carvel '504 in view of Torricelli '570.

Regarding the above listed rejections, each of these rejections is directed to dependent (or cancelled) claim, which depend from independent claim 15. Applicant maintains that the above cited art does not overcome that glaring deficiencies in Dial and Carvel, and, therefore, the rejections should similarly be withdrawn.

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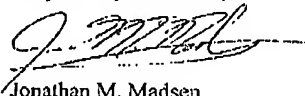
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**CONCLUSION**

Based on the preceding arguments, Applicant respectfully submits that claims 15-21 and the entire application meet the acceptance criteria for allowance and therefore request favorable action. If the Examiner believes anything further would be helpful to place the application in better condition for allowance, Applicant invites Examiner to contact Applicant's representative at the telephone number listed below.

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Respectfully submitted,



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